

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION

4 — — —

5 UNITED STATES OF AMERICA,

6 Plaintiff,

7 v.

Case No. 21-20405

8 NOE GARZA,

Hon. Matthew F. Leitman

9 Defendant.

10 _____/

11 JURY TRIAL - Volume 4

12 BEFORE THE HONORABLE MATTHEW F. LEITMAN
13 United States District Judge
14 Theodore Levin United States Courthouse
15 231 West Lafayette Boulevard
16 Detroit, Michigan
17 Wednesday, November 16, 2022

18 APPEARANCES:

19 For the Plaintiff: JULES M. DEPORRE
20 UNITED STATES ATTORNEY'S OFFICE
21 600 Church Street
22 Flint, MI 48502
23 (810) 766-5177

24 Also Present: Jessica Szukhent,
25 United States Attorney's Office

For the Defendant: CHARLES O. LONGSTREET, II
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25 Robert L. Smith, Federal Official Court Reporter
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1 Detroit, Michigan

2 Wednesday, November 16, 2022

3 at about 10:17 a.m.

4 — — —

5 (Court, Counsel and Defendant present.)

6 THE CASE MANAGER: Please rise.

7 The United States District Court for the Eastern
8 District of Michigan is now in session, the Honorable Matthew
9 F. Leitman, United States District Judge, presiding.

10 You may be seated.

11 The Court calls Case No. 21-20405, United States of
12 America v. Noe Garza.

13 Counsel, please state your appearances for the
14 record.

15 MR. DePORRE: Good morning, Your Honor.
16 Jules DePorre on behalf of the United States. With me at
17 counsel table is Brett Orvis, who is the case agent.

18 THE COURT: Good morning. Welcome.

19 MR. LONGSTREET: May it please the court, Charles
20 Oliver Longstreet, II, P68205, appearing on behalf of
21 Noe Garza, who is present and seated to my left.

22 THE COURT: Good morning. Welcome to everybody.
23 We have been informed by the jury that they have a verdict.
24 I'm ready to take the verdict.

25 Mr. DePorre, anything that you think we need to do

1 before we bring in the jury.

2 MR. DePORRE: I just had one question. Do you poll
3 every juror?

4 THE COURT: Yes.

5 MR. DePORRE: Okay.

6 THE COURT: Mr. Longstreet, anything that you want
7 us to do?

8 MR. LONGSTREET: Nothing.

9 THE COURT: Okay. Let's bring in our jury.

10 THE CASE MANAGER: All rise for the jury.

11 (Jury entered at 10:19 a.m.)

12 THE COURT: Please be seated. Ladies and
13 gentlemen, welcome back. We have been informed that you have
14 reached a verdict.

15 Mr. Brown, are you the foreperson?

16 JUROR IN SEAT 14: I am.

17 THE COURT: Has the jury reached a verdict?

18 JUROR IN SEAT 14: Yes.

19 THE COURT: Would you hand the verdict form to
20 Ms. Ryan, please.

21 THE COURT: Ladies and gentlemen, what I'm going to
22 do now is what we call publishing your verdict, that means
23 I'm going to read it aloud. I ask that all of you listen
24 very carefully. Once I publish the verdict, I'm going to ask
25 every one of you the same question, I'm going to say was the

1 verdict that I announced your personal verdict and the
2 unanimous verdict of the entire jury. Okay. So please
3 listen carefully.

4 All right. The verdict form provides as follows:
5 We, the jury, unanimously find the following: With respect
6 to the charge in Count 1 of the Superseding Indictment, which
7 charges the defendant with being a prohibited person in
8 possession of a firearm and ammunition, we find the defendant
9 guilty.

10 With respect to the charge in Count 2 of the
11 Superseding Indictment which charges the defendant with being
12 in possession of a firearm with an obliterated serial number,
13 we find the defendant guilty.

14 With respect to the charge in Count 3 of the
15 Superseding Indictment, which charges the defendant with
16 possessing with the intent to distribute buprenorphine, we
17 find the defendant guilty.

18 And the form is signed by Brandon Brown, the
19 foreperson, and dated today.

20 So let me poll the jurors, please.

21 Ms. Westfall in seat 2, was the verdict that I
22 announced your individual verdict and the unanimous verdict
23 of the entire jury?

24 JUROR IN SEAT 2: Yes.

25 THE COURT: Ms. Jones in seat 3, was the verdict

1 that I announced your individual verdict and the unanimous
2 verdict of the entire jury?

3 JUROR IN SEAT 3: Yes.

4 THE COURT: Mr. Leake in seat 4, was the verdict
5 that I announced your individual verdict and the unanimous
6 verdict of the entire jury?

7 JUROR IN SEAT 4: Yes.

8 THE COURT: Ms. Daher in seat 5, was the verdict
9 that I announced your individual verdict and the unanimous
10 verdict of the entire jury?

11 JUROR IN SEAT 5: Yes.

12 THE COURT: Ms. Pesta in seat 6, was the verdict
13 that I announced your individual verdict and the unanimous
14 verdict of the entire jury?

15 JUROR IN SEAT 6: Yes.

16 THE COURT: Ms. Vandavelde in seat 7, was the
17 verdict that I announced your individual verdict and the
18 unanimous verdict of the entire jury?

19 JUROR IN SEAT 7: Yes.

20 THE COURT: Ms. Pepcheck in seat 8, was the verdict
21 that I announced your individual verdict and the unanimous
22 verdict of the entire jury?

23 JUROR IN SEAT 8: Yes.

24 THE COURT: Ms. Goodman in seat 9, was the verdict
25 that I announced your individual verdict and the unanimous

1 verdict of the entire jury?

2 JUROR IN SEAT 9: Yes.

3 THE COURT: Ms. Tangey in seat 11, was the verdict
4 that I announced your individual verdict and the unanimous
5 verdict of the entire jury?

6 JUROR IN SEAT 11: Yes.

7 THE COURT: Ms. Danielson in seat 12, was the
8 verdict that I announced your individual verdict and the
9 unanimous verdict of the entire jury?

10 JUROR IN SEAT 12: Yes.

11 THE COURT: Ms. Dolman, in seat 13, was the verdict
12 that I announced your individual verdict and the unanimous
13 verdict of the entire jury?

14 JUROR IN SEAT 13: Yes.

15 THE COURT: And, Mr. Brown, in seat 14, was the
16 verdict that I announced your individual verdict and the
17 unanimous verdict of the entire jury?

18 JUROR IN SEAT 14: Yes.

19 THE COURT: Okay. Can I see counsel at sidebar for
20 a minute.

21 (Sidebar conference held on the record at
22 10:23 a.m. as follows:

23 THE COURT: Mr. DePorre, anything for the
24 government before I excuse the jury?

25 MR. DePORRE: No, Your Honor.

1 THE COURT: Mr. Longstreet?

2 MR. LONGSTREET: No.

3 THE COURT: Okay.

4 (Sidebar conference concluded at 10:23 a.m.)

5 THE COURT: All right. Ladies and gentlemen, that
6 concludes your service. I'd like to thank you very much on
7 behalf of myself and the lawyers. If you don't mind sticking
8 around in the jury room for just a couple of minutes, as soon
9 as I finish up in here and it will be very quickly, I'd like
10 to come in personally and thank all of you. So you are
11 concluded. Thank you very much.

12 THE CASE MANAGER: All rise for the jury.

13 (Jury excused at 10:23 a.m.)

14 THE COURT: All right. You can be seated. I think
15 Holly is coming back out.

16 Holly, are you in a position to set a sentencing
17 date now? Okay. I think the next step is to set a date for
18 sentencing. Ms. Ryan, what dates do we have here?

19 THE CASE MANAGER: How about March 16th at
20 10:00 a.m.?

21 THE COURT: Mr. DePorre, does that work for the
22 government.

23 MR. DePORRE: It does, Your Honor.

24 THE COURT: Mr. Longstreet, does that work for you?

25 MR. LONGSTREET: Yes.

1 THE COURT: Okay. I would ask counsel to please
2 submit sentencing memos one week in advance of the sentencing
3 so that I can have a full opportunity to review the memos.
4 Would you guys do that, please.

5 MR. DePORRE: Yes, Your Honor.

6 THE COURT: All right. Mr. Garza, I want to say a
7 word to you about the sentencing process. The next step is a
8 probation officer will prepare for me what is called a
9 Presentence Investigation Report. That report gives me what
10 I call objective information about you; information about
11 your educational background, your employment history, your
12 physical health, mental health, stuff like that.

13 In order to prepare to that report, Mr. Garza, the
14 probation officer will need to meet with you and obtain
15 information from you. And I ask that you cooperate fully
16 with the probation officer consistent of course with any
17 advice given to you by Mr. Longstreet.

18 Mr. Garza, when the probation officer finishes a
19 draft of the report, the officer will get the draft to
20 Mr. Longstreet, and he will review it with you promptly.
21 It's very important that you and Mr. Longstreet review the
22 draft carefully and that you do so quickly, because you guys
23 will have 14 days to communicate back to the probation
24 officer what are called objections to the report. That's
25 your opportunity to say to the probation officer that you

1 believe there's an error or omission in the report, and you
2 want to take full advantage of that opportunity because you
3 want to be sure that when I impose sentence I do so based on
4 accurate information. Do you understand that?

5 THE DEFENDANT: Yes.

6 THE COURT: Mr. Garza, the next opportunity that
7 you and Mr. Longstreet will have to impact the sentence is
8 this sentencing memo that Mr. Longstreet will prepare on your
9 behalf. And that's your opportunity, working through
10 Mr. Longstreet, to tell me anything and everything that you
11 want me to think about. So a lot of times defendants will
12 tell me everything good they've ever done, they'll tell me
13 challenges that they've faced, they'll talk about the
14 circumstances of the offense, and you can include with your
15 sentencing memo -- you can have Mr. Longstreet include
16 letters from folks who know you and want to talk to me about
17 you and your background and your character. You're not
18 required to submit those letters and I won't hold it against
19 you in any way if you don't, but if you do submit the letters
20 I'd be happy to read them carefully.

21 Do you have any questions about next steps,
22 Mr. Garza?

23 THE DEFENDANT: No, Your Honor.

24 THE COURT: Okay. Then I will see you guys
25 March 16th at 10:00 a.m. in the morning.

1 Anything else, Mr. DePorre?

2 MR. DePORRE: No, Your Honor. Thank you.

3 THE COURT: Mr. Longstreet.

4 MR. LONGSTREET: No.

5 THE COURT: Okay. We are adjourned. Thank you.

6 THE CASE MANAGER: All rise. Court is in recess.

7 (Court recessed at 10:27 a.m.)

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9 C E R T I F I C A T I O N

10 I, Robert L. Smith, Official Court Reporter of the
11 United States District Court, Eastern District of Michigan,
12 appointed pursuant to the provisions of Title 28, United
13 States Code, Section 753, do hereby certify that the
14 foregoing pages comprise a full, true and correct transcript
15 taken in the matter of USA vs. Garza, Case No. 21-20405, on
16 Wednesday, November 16, 2022.

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s/Robert L. Smith

Robert L. Smith, RPR, CSR 5098
Federal Official Court Reporter
United States District Court
Eastern District of Michigan

Date: 07/22/2023
Detroit, Michigan